

000015

REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE)50
4/24

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
DEVELOPMENT SERVICES3. DATE:
February 13, 2007

4. SUBJECT:

Grand Avenue Mixed Use, Project No. 59006

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)

Laura C Black 619.446.5112, MS-501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)

Mike Westlake, 619.446.5220, MS-501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



8. COMPLETE FOR ACCOUNTING PURPOSES

| FUND | | | | | 9. ADDITIONAL INFORMATION / ESTIMATED COST: |
|----------------|--------|--|--|--|---|
| DEPT. | 1317 | | | | No cost to the City. All costs are recovered through a deposit account funded by the applicant. |
| ORGANIZATION | 1711 | | | | |
| OBJECT ACCOUNT | 4001 | | | | |
| JOB ORDER | 423813 | | | | |
| C.I.P. NUMBER | N/A | | | | |
| AMOUNT | | | | | |

10. ROUTING AND APPROVALS

| ROUTE (#) | APPROVING AUTHORITY | APPROVAL SIGNATURE | DATE SIGNED | ROUTE (#) | APPROVING AUTHORITY | APPROVAL SIGNATURE | DATE SIGNED |
|-----------|---------------------|--------------------|-------------|---|---------------------|--|-------------|
| 1 | ORIG. DEPT | MARCELA ESCOBAR | 2/13/07 | 8 | DEPUTY CHIEF | JAMES T. WARING | 2/16/07 |
| 2 | CPCI | BETSY MCCULLOUGH | 2/15/07 | 9 | COO | | |
| 3 | EAS | ALLISON SHERWOOD | 2/13/07 | 10 | CITY ATTORNEY | SHANNON THOMAS | 3/5/07 |
| 4 | CFO | | | 11 | ORIG. DEPT | MIKE WESTLAKE | 2/13/07 |
| 5 | | | | DOCKET COORD: _____ COUNCIL LIAISON _____ | | | |
| 6 | | | | ✓ | COUNCIL PRESIDENT | <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION | |
| 7 | | | | | | <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____ | |

11. PREPARATION OF:

☒ RESOLUTIONS☒ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

- Resolution certifying that the information contained in Negative Declaration (ND) No. 59006 has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and that said ND reflects the independent judgment of the City of San Diego as Lead Agency. Stating for the record that the final ND has been reviewed and considered prior to approving the project.
- Resolution approving Amendments to the Pacific Beach Community Plan and Local Coastal Program No. 391242.
- Resolution Approving Rezone No. 391244.
- Resolution Approving Variance No. 348219.
- Resolution Approving Coastal Development Permit No. 173574.
- Resolution Approving Map Waiver No. 348218.
- Resolution Approving waiver of the requirement to underground the existing overhead utilities.

11A. STAFF RECOMMENDATIONS:

Adopt Resolutions and introduce the Ordinance.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 2

COMMUNITY AREA(S): PACIFIC BEACH

ENVIRONMENTAL IMPACT: THE CITY OF SAN DIEGO AS LEAD AGENCY UNDER CEQA HAS PREPARED AND COMPLETED NEGATIVE DECLARATION NO. 59006 COVERING THIS ACTIVITY.

HOUSING IMPACT: REMOVAL OF ONE SINGLE FAMILY RESIDENTIAL UNIT AND CONSTRUCTION OF ONE COMMERCIAL UNIT AND THREE MULTI-FAMILY RESIDENTIAL UNITS.

CITY CLERK INSTRUCTIONS:

- Public noticing is required.
- Return copies of each resolution and ordinance to Laura C Black, MS-501.
- Council action requires a majority vote.

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING A 0.11-ACRE SITE, LOCATED AT 1042 GRAND AVENUE, NORTH OF GRAND AVENUE, EAST OF CASS STREET, WEST OF DAWES STREET AND SOUTH OF HORNBLEND STREET, IN THE PACIFIC BEACH COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CC-4-2 AND RM-2-5 ZONES INTO THE CC-4-2 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0406 AND 131.0507, AND REPEALING ORDINANCE NO. O 10864 (NEW SERIES), ADOPTED JUNE 29, 1972 AND ORDINANCE NO. O-15150 (NEW SERIES), ADOPTED JANUARY 7, 1980, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HERewith.

This ordinance approves the rezoning of 0.11 acres from the CC-4-2 and RM-2-5 zones to the CC-4-2 zone, in connection with property located at 1042 Grand Avenue, north of Grand Avenue, east of Cass Street, west of Dawes Street and south of Hornblend Street, in the Pacific Beach Community Plan, in the City of San Diego, California.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

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(O-2007-103)

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

ACD:pev

01/20/07

Or.Dept:DSD

O-2007-103

MMS #4444

ZONING Rezone Digest 11-01-04

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO CHANGING A 0.11-ACRE SITE, LOCATED AT 1042 GRAND AVENUE, NORTH OF GRAND AVENUE, EAST OF CASS STREET, WEST OF DAWES STREET AND SOUTH OF HORNBLEND STREET, IN THE PACIFIC BEACH COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, FROM THE CC-4-2 AND RM-2-5 ZONES INTO THE CC-4-2 ZONE, AS DEFINED BY SAN DIEGO MUNICIPAL CODE SECTIONS 131.0406 AND 131.0507, AND REPEALING ORDINANCE NO. O-10864 (NEW SERIES), ADOPTED JUNE 29, 1972 AND ORDINANCE NO. O-15150 (NEW SERIES), ADOPTED JANUARY 7, 1980, OF THE ORDINANCES OF THE CITY OF SAN DIEGO INsofar AS THE SAME CONFLICT HERewith.

WHEREAS, under Charter section 280(a)(2) this ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. In the event that within three years of the effective date of this ordinance rezoning 0.11 acres, located at 1042 Grand Avenue, north of Grand Avenue, east of Cass Street, west of Dawes Street and south of Hornblend Street, and legally described as Lot 30 and the easterly half of Lot 31, Block 230, Pacific Beach, according to Map Nos. 697 and 854, in the Pacific Beach Community Plan area, in the City of San Diego, California, from the CC-4-2 and RM-2-5 zones to the CC-4-2 zone, as shown on Zone Map Drawing No. B-4244, the property is

subdivided and a map or maps thereof duly submitted to the City, approved by the City, and thereafter recorded, and within such subdivision or subdivisions provision is made for the installation of public utility services and the dedication of streets, alleys and easements for public use, the provisions of San Diego Municipal Code [SDMC] sections 131.0406 and 131.0507 shall attach and become applicable to the subdivided land, and the subdivided land shall be incorporated into the CC-4-2 zone, as described and defined by SDMC section 131.0507, the boundary of such zone to be as indicated on Zone Map Drawing No. B-4247, filed in the office of the City Clerk as Document No. OO-_____. The zoning shall attach only to those areas included in the map as provided in this section.

Section 2. That in the event the zoning restrictions shall attach to the said land described in Section 1 of this ordinance, Ordinance No. O-10864 (New Series), adopted June 29, 1972 and Ordinance No. 15150 (New Series), adopted January 7, 1980, are repealed insofar as it conflict with the rezoned uses of the land.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

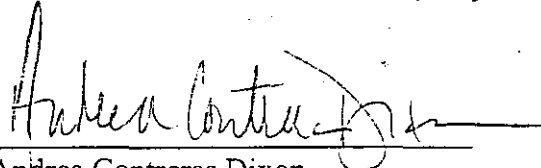
Section 4. This ordinance shall take effect and be in force on the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local

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coastal program amendment. If this ordinance is certified with suggested modifications, this ordinance shall be void.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

02/20/07

Or.Dept:DSD

O-2007-103

MMS #4444

ZONING Rezone With Map 11-01-04

000083

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Stanley R. Simpson, Owner/Permittee, submitted an application to the City of San Diego for a rezone, community plan amendment, coastal development permit, variance, map waiver and waiver of the requirement to underground existing overhead utilities for the Grand Avenue Mixed Use Project [Project]; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the issue was heard by the City Council on _____; and

WHEREAS, the City Council considered the issues discussed in Negative Declaration No. 59006; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Negative Declaration No. 59006, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together

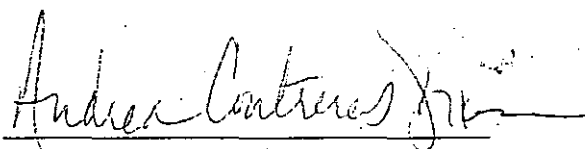
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with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a rezone, community plan amendment, coastal development permit, variance, map waiver and waiver of the requirement to underground existing overhead utilities for the Grand Avenue Mixed Use Project.

BE IT FURTHER RESOLVED, that the Council finds, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and therefore the Negative Declaration is approved.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
02/20/07
Or.Dept:DSD
R-2007-814
MMS #4444
ENVIRONMENTAL -NegDec 11-01-04

000025

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING THE PROGRESS GUIDE AND GENERAL PLAN, PACIFIC BEACH COMMUNITY PLAN AND LOCAL COASTAL PROGRAM TO REDESIGNATE APPROXIMATELY 0.36 ACRES FROM MEDIUM DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL.

WHEREAS, Stanley R. Simpson, requested an amendment to the Progress Guide and General Plan, the Pacific Beach Community Plan, and the Local Coastal Program in order to redesignate an approximately 0.11-acre site from Medium Density Residential (14 to 29 dwelling units per acre) to Community Commercial, located at 1042 Grand Avenue (Assessor's Parcel Number 423-052-1600); and

WHEREAS, the site is legally described as Lot 30 and the easterly half of Lot 31, Block 230 of Pacific Beach, in the City San Diego, County of San Diego, State of California, according to the maps thereof No. 697 and 854, filed in the Office of the Recorder of said San Diego County January 8, 1892 and September 28, 1898, respectively, and to incorporate within the proposed amendment an 0.11-acre lot located at 1036 Grand Avenue (Assessor's Parcel Number 423-052-1700) and legally described as the west half of Lot 31 and all of Lot 32 in Block 230 of Map 854 as filed in the Recorder's Office of the City and County of San Diego, California and a 0.14-acre lot located at 1033 Grand Avenue (Assessor's Parcel Number 423-154-0300) and legally described as Lots 9 & 10 in Block 257 of Map 854 as filed in the Recorder's Office of the City and County of San Diego, California within the Pacific Beach Community Plan and Local Coastal Program area; and

WHEREAS, City Council Policy 600-7 provides that public hearings to consider revisions to the Progress Guide and General Plan for the City of San Diego may be scheduled concurrently with public hearings on proposed community plans in order to retain consistency between said plans and the Planning Commission has held such concurrent public hearings; and

WHEREAS, on December 7, 2006, the Planning Commission of the City of San Diego held a public hearing for the purpose of considering an amendment to the Progress Guide and General Plan, the Pacific Beach Community Plan, and the Local Coastal Program; and

WHEREAS, the Planning Commission of the City of San Diego found the proposed amendment consistent with the Progress Guide and General Plan, the Pacific Beach Community Plan and the Local Coastal Program; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, on _____, the City Council of the City of San Diego held a public hearing for the purpose of considering an amendment to the Progress Guide and General Plan, the Pacific Beach Community Plan and the Local Coastal Program; and

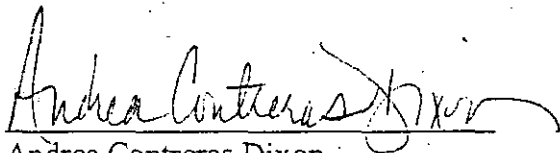
WHEREAS, the Council of the City of San Diego has considered all maps, exhibits, and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council adopts the amendments to the Pacific Beach Community Plan and the Local Coastal Program, a copy of which is on file in the office of the City Clerk as Document No. RR-_____.

BE IT FURTHER RESOLVED, that the Council adopts the amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

BE IT FURTHER RESOLVED, that this project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, these amendments will not become effective in the Coastal Zone until the Coastal Commission unconditionally certifies the Local Coastal Program amendment.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

02/20/07

Or.Dept:DSD

R-2007-815

MMS #4444

Community Plan Amend - Applicant Initiated Amendment 11-01-04

000029

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Stanley R. Simpson, Owner/Permittee, filed an application with the City of San Diego for a coastal development permit to demolish the existing 1-story, 787 square-foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet to be known as the Grand Avenue Mixed Use project, located at 1042 Grand Avenue, west of Dawes Street, east of Cass Street, north of and adjacent to Grand Avenue, south of Hornblend Street, and legally described as Lot.30 and the easterly half of Lot 31, Block 230, Pacific Beach, according to Map Nos. 697 and 854, in the Pacific Beach Community Plan area and Local Coastal Program Area, in the RM-2-5 and CC-4-2 zones, Coastal Overlay Zone (non-appealable), Parking Impact Overlay Zone, and Coastal Height Limit Overlay Zone; and

WHEREAS, on December 7, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 173574, Community Plan Amendment No. 391242, Rezone No. 391244, Variance No. 348219, and Map Waiver and Waiver of Undergrounding No. 348218, and pursuant to Resolution No. 4185-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the

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decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 173574 and Variance No. 348219:

**A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0708**

1. **The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The project proposes to demolish the existing 1-story, 787 square-foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet on an existing developed lot. The 4,688 square foot interior lot is located north of and adjacent to Grand Avenue, west of Dawes Street, east of Cass Street, and south of Hornblend Street. The proposed project would comply with all required setbacks and the coastal height limit. Grand Avenue is developed in its entirety, adjacent to and across from the proposed project. The proposed coastal development will take place entirely within private property and will not encroach upon any existing physical access way legally used by the public.

2. **The proposed coastal development will not adversely affect environmentally sensitive lands.** The project proposes to demolish the existing 1-story, 787 square-foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet on an existing developed lot. The site has been previously developed and there is no sensitive habitat on the project site. Staff has determined the proposed project for 1042 Grand Avenue will not adversely affect environmentally sensitive lands and no mitigation measures are required; therefore, Negative Declaration No. 59006 has been prepared for the project.

3. **The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified**

Implementation Program. The project proposes to demolish the existing 1-story, 787 square-foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet on an existing developed lot. The project is located in an area identified as medium density, 14-29 dwelling units per acre [DU/ac], residential in the Pacific Beach Community Plan. The proposed community plan amendment incorporated into this project would amend the Pacific Beach Community Plan and Local Coastal Program to designate the property, and two other properties addressed 1036 Grand Avenue and 1033 Grand Avenue, as Community Commercial. The proposed development is consistent with the Community Commercial land use designation. The project would adhere to community goals since it has been designed in a manner that does not intrude into any of the physical access ways used by the public, protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of the proposed project and the older structures as stated in the adopted Local Coastal Program land use plan. In addition, the project complies with all applicable regulations of the Land Development Code.

4. **For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The project proposes to demolish the existing 1-story, 787 square-foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet on an existing developed lot. The proposed coastal development lies approximately 1,800 feet from the shoreline of the Pacific Ocean. The first public roadway adjacent to this property is located along Grand Avenue and the first public roadway from the Pacific Ocean is Mission Boulevard. There would be no impacts to public beach parking because the proposed enclosed parking spaces and on-site parking spaces would be used for the required off-street parking spaces. The project is surrounded by streets and sidewalks which are all developed. Variances from the development regulations of the CC-4-2 zone would be required to implement the proposed project. The variance requests have been permitted to allow tandem parking to count as two spaces where outside of the Residential Tandem Parking Overlay Zone they would count as one space and to allow residential parking within the front half of the lot where it would not be permitted in the CC-4-2 zone. The proposed coastal development would therefore, conform to the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. VARIANCE – SDMC SECTION 126.0805

1. **There are special circumstances or conditions applying to the land or premises for which the variance is sought that are peculiar to the land or premises and do not apply generally to the land or premises in the neighborhood, and these conditions have not resulted from any act of the applicant after the adoption of the applicable zone regulations.** The project proposes to demolish the existing 1-story, 787 square-foot single-family

residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet on an existing developed lot. The requested variances would allow tandem parking to count as two spaces whereas outside of the Residential Tandem Parking Overlay Zone they would count as one space; allow residential parking within the front half of the lot where it would not be permitted in the CC-4-2 zone; and allow for a portion of the site adjacent to the residential zone not to provide the required landscape screening.

There are special circumstances that apply to the subject property that are peculiar to the premise and do not apply generally to other premises in the neighborhood. The property is 37 feet wide when the CC-4-2 zone requires a minimum lot width of 50 feet. The property has 37 feet of street frontage when the CC-4-2 zone requires a minimum street frontage of 50 feet. The project contains tandem residential parking spaces that count towards two parking spaces. The project is located outside the Residential Tandem Parking Overlay Zone where tandem parking would be counted as one parking space. The project design contains covered on-site parking spaces which are counted towards the gross floor area [GFA] for the project site. These covered parking spaces are located within the front half of the lot. The CC-4-2 zone doesn't allow residential parking spaces within the front half of a lot.

The project also cannot meet the requirements for landscape adjacent to the residential zone, as required within SDMC section 142.0405(c)(3). This section of the Municipal Code requires that a 5-foot wide area along the entire abutting property line shall be planted with trees to achieve a minimum of .05 points per square foot of area in addition to the points required in the remaining yard. Due to the lot size and project design, this landscape requirement cannot be met within the front 40-feet of the property adjacent to the residential. However, the area where this landscape requirement cannot be met is providing pedestrian access from Grand Avenue to the residential units on the project site.

2. The circumstances or conditions are such that the strict application of the regulations of the Land Development Code would deprive the applicant of reasonable use of the land or premises and the variance granted by the City is the minimum variance that will permit the reasonable use of the land or premises. The project proposes to demolish the existing 1-story, 787 square-foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet on an existing developed lot. The requested variances would allow tandem parking to count as two spaces whereas outside of the Residential Tandem Parking Overlay Zone they would count as one space; allow residential parking within the front half of the lot where it would not be permitted in the CC-4-2 zone; and allow for a portion of the site adjacent to the residential zone not to provide the required landscape screening.

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contains tandem residential parking spaces that count towards two parking spaces. The project is located outside the Residential Tandem Parking Overlay Zone where tandem parking would be counted as one parking space. The project design contains covered on-site parking spaces which are counted towards the GFA for the project site. These covered parking spaces are located within the front half of the lot. The CC-4-2 zone doesn't allow residential parking spaces within the front half of a lot.

The project also cannot meet the requirements for landscape adjacent to the residential zone, as required within SDMC section 142.0405(c)(3). This section of the municipal code requires that a 5-foot wide area along the entire abutting property line shall be planted with trees to achieve a minimum of .05 points per square foot of area in addition to the points required in the remaining yard. Due to the lot size and project design, this landscape requirement cannot be met within the front 40-feet of the property adjacent to the residential. However, the area where this landscape requirement cannot be met is providing pedestrian access from Grand Avenue to the residential units on the project site.

3. The granting of the variance will be in harmony with the general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare. The project proposes to demolish the existing 1-story, 787 square-foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet on an existing developed lot. The requested variances would allow tandem parking to count as two spaces whereas outside of the Residential Tandem Parking Overlay Zone they would count as one space; allow residential parking within the front half of the lot where it would not be permitted in the CC-4-2 zone; and allow for a portion of the site adjacent to the residential zone not to provide the required landscape screening.

Granting the variance would allow the project to provide off-street parking that will not have a visual impact to the adjacent properties. The project will be required to obtain building permits to show that all construction will comply with the applicable Building and Fire Code requirements. Granting of the variance therefore will be in harmony with general purpose and intent of the regulations and will not be detrimental to the public health, safety, or welfare.

4. The granting of the variance will not adversely affect the applicable land use plan. If the variance is being sought in conjunction with any proposed coastal development, the required finding shall specify that granting of the variance conforms with, and is adequate to carry out, the provisions of the certified land use plan. The project proposes to demolish the existing 1-story, 787 square-foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet on an existing developed lot. The requested variances would allow tandem parking to count as two spaces whereas outside of the Residential Tandem Parking Overlay Zone they would count as one space; allow residential parking within the front half of the lot where it would not be permitted in the CC-4-2 zone; and allow for a portion of the site adjacent to the residential zone not to provide the required landscape screening.

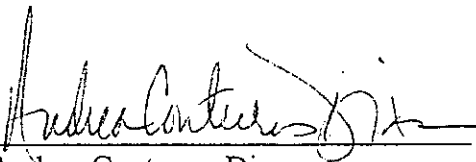
The proposed project is located in the Coastal Overlay Zone and the proposed development will amend the Pacific Beach Community Plan to designate the site as Community Commercial. As part of the proposed development, the Local Coastal Plan will also be amended. The project site is not located within or adjacent to the Multi-Habitat Planning Area [MHPA]. The site will be designated for community commercial development and the proposed use is consistent with the land use designation. Negative Declaration No. 95006 has been prepared for the project and has determined that project implementation would not result in a significant environmental impact and no mitigation is required. The proposed development would be compatible with the surrounding properties.

The recommendations of the Pacific Beach Community Plan applicable to the site include promoting a mixture of commercial uses and services within Pacific Beach to meet the variety of needs for existing and future resident and visitor populations. Therefore, the granting of the variance will not adversely affect the Pacific Beach Community Plan.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 173574 and Variance No. 348219 are granted to Stanley R. Simpson, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
02/20/07
Or.Dept:DSD
R-2007-816
MMS #4444

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RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-4990

COASTAL DEVELOPMENT PERMIT NO. 173574
VARIANCE NO. 348219
GRAND AVENUE MIXED USE – PROJECT NO. 59006
CITY COUNCIL

This coastal development permit and variance, is granted by the City Council of the City of San Diego to Stanley R. Simpson, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0708 and 126.0805. The 4,688 square-foot site is located at 1042 Grand Avenue in the RM-2-5 and CC-4-2 zones, Coastal Overlay Zone (non-appealable), Parking Impact Overlay Zone, and Coastal Height Limit Overlay Zone within the Pacific Beach Community Plan and Local Coastal Program Area. The project site is legally described as Lot 30 and the easterly half of Lot 31, Block 230, Pacific Beach, according to Map Nos. 697 and 854.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish the existing 1-story, 787 square foot single-family residence and 200 square-foot detached garage and construct a 3-story, mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____, on file in the Development Services Department.

The project or facility shall include the following:

- a. Demolition of the existing 1-story, 787 square-foot single-family residence and detached 200 square foot garage;
- b. Construction of a 3-story mixed use building containing 863 square feet of commercial space on the ground floor, with three residential condominium units containing 4,966 square feet and 1,915 square feet of covered parking, for a total building of 7,744 square feet;

- c. Variance to allow tandem parking to count as two spaces outside of the Residential Tandem Parking Overlay Zone and to allow residential parking within the front half of the lot where it would not be permitted in the CC-4-2 zone;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Provide eight off-street parking spaces; and
- f. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

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6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with Americans with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

AFFORDABLE HOUSING REQUIREMENTS:

11. Prior to the issuance of any building permits, the Owner/Permittee shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING REQUIREMENTS:

12. The Permit shall comply with the conditions of Map Waiver No. 348218.

LANDSCAPE REQUIREMENTS:

13. Prior to issuance of any construction permits, landscape construction documents for the revegetation and hydro-seeding of all disturbed land shall be submitted in accordance with the Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit (including Environmental conditions) as Exhibit "A."

14. Prior to issuance of any construction permits for buildings (including shell), complete landscape and irrigation construction documents consistent with the Land Development Manual: Landscape Standards shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan. Construction plans shall take into account a 40 square-foot area around each tree which is unencumbered by hardscape and utilities as set forth under SDMC section 142.0403(b)(5).

15. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

16. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

17. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy or a Final Landscape Inspection.

PLANNING/DESIGN REQUIREMENTS:

18. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

19. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is

lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

20. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.

21. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

22. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations.

23. The Owner/Permittee shall post a copy of the approved discretionary permit or Map in the sales office for consideration by each prospective buyer.

24. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

25. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

26. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

27. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.

28. Prior to the issuance of construction permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A."

29. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

TRANSPORTATION REQUIREMENTS:

30. No fewer than eight off-street parking spaces of which one space is an accessible parking space, and two bicycle spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A." Parking spaces shall comply at all times with requirements of the Land Development Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

31. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

WASTEWATER REQUIREMENTS:

32. The Owner/Permittee shall install a new sewer lateral to serve this development.

33. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego Sewer Design Guide. Proposed facilities that do not meet the current standards shall be private or redesigned.

34. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

WATER REQUIREMENTS:

35. Prior to the issuance of any construction permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s) as needed, outside of any driveway or drive aisle, in the right-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

36. Prior to the issuance of any construction permits, the Owner/Permittee shall apply for a plumbing permit for the installation of the appropriate backflow prevention devices on each water service (domestic, fire and irrigation), in a manner satisfactory to the Water Department Director, the City Engineer and the Cross-Connection Control Group in the Customer Support Division of the Water Department.

37. Prior to the issuance of any certificates of occupancy, public water facilities necessary to serve the development, including water services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

38. The Owner/Permittee agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of

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San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of building/engineering permit issuance.

APPROVED by the City Council of the City of San Diego on _____,
by Resolution No. R-_____.

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AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

STANLEY R. SIMPSON
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, Stanley R. Simpson, Applicant/Subdivider, and Brisendine Land Services, Surveyor, submitted an application to the City of San Diego for a Map Waiver [Map Waiver No. 348218] for the construction of a total of three condominium units for the Grand Avenue Mixed Use Project [Project], located at 1042 Grand Avenue, and legally described as Lot 30 and the easterly half of Lot 31, Block 230, Pacific Beach, according to Map Nos. 697 and 854, west of Dawes Street, east of Cass Street, north of and adjacent to Grand Avenue, south of Hornblend Street, in the Pacific Beach Community Plan and Local Coastal Program Area, in the RM-2-5 and CC-4-2 zones, Coastal Overlay Zone (non-appealable), Parking Impact Overlay Zone, and Coastal Height Limit Overlay Zone; and

WHEREAS, the Map proposes the subdivision of a 0.11-acre site into one lot for a 3-unit residential and 1-unit commercial (for a total of four units) condominium development; and

WHEREAS, the applicant seeks to waive the requirement to underground existing overhead utilities, pursuant to Council Policy 600-25; and

WHEREAS, on December 7, 2007, the Planning Commission of the City of San Diego considered Coastal Development Permit [CDP] No. 173574, Community Plan Amendment No. 391242, Rezone No. 391244, Variance No. 348219, and Map Waiver and Waiver of Undergrounding No. 348218, and pursuant to Resolution No. 4185-PC voted to recommend City Council approval; and

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WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and San Diego Municipal Code section 144.0220; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Map Waiver No. 348218:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (San Diego Municipal Code/Land Development Code [SDMC] section 125.0440(a) and Subdivision Map Action Sections 66473.5, 66474(a), and 66474(b)).
2. The proposed subdivision complies with the applicable zoning and development regulations of the San Diego Municipal Code/Land Development Code (SDMC/LDC section 125.0440(b)).
3. The site is physically suitable for the type and density of development (SDMC/LDC section 125.0440(c) and Subdivision Map Act Sections 66474(c) and 66474(d)).
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (SDMC/LDC section 125.0440(d) and Subdivision Map Act Section 66474(e)).
5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (SDMC/LDC section 125.0440(e) and Subdivision Map Act Section 66474(f)).

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6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (SDMC/LDC section 125.0440(f) and Subdivision Map Act Section 66474(g)).

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (SDMC/LDC section 125.0440(g) and Subdivision Map Act Section 66473.1).

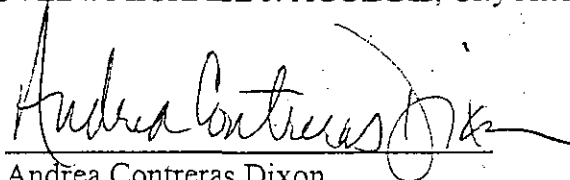
8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (SDMC/LDC section 125.0440(h) and Subdivision Map Act Section 66412.3).

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Map Waiver and Waiver of Undergrounding No. 348218 is granted to Stanley R. Simpson, Applicant/Subdivider and Brisendine Land Services, Surveyor, subject to the attached conditions which are made a part of this resolution by this reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:pev

02/20/07

Or.Dept:DSD

R-2007-817

MMS #4444

I:\Civ\FORM FILLS; RESO_ORD FORMSMAPS\Tentative Map 09-20-05.doc

CONDITIONS FOR MAP WAIVER NO. 348218

GRAND AVENUE MIXED USE PROJECT

ADOPTED BY RESOLUTION NO. R-_____ ON _____

GENERAL

1. This Map Waiver will expire_____.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map, unless otherwise noted.
3. A Parcel Map shall to consolidate the existing lots into one lot shall be recorded in the Office of the County Recorder, prior to the Map Waiver expiration.
4. The Parcel Map shall conform to the provisions of Coastal Development Permit No. 173574, Community Plan Amendment No. 391242, Rezone No. 391244 and Variance No. 348219.

AFFORDABLE HOUSING

5. Prior to recordation of the Parcel Map, the applicant shall comply with the Affordable Housing Requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

ENGINEERING

6. Prior to the building occupancy, the subdivider shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices [BMP's] maintenance.
7. Prior to the issuance of any construction permit, the subdivider shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
8. Prior to the issuance of any construction permit the subdivider shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.
9. The subdivider shall replace the damaged and uplifted portions of sidewalk, maintaining the existing scoring pattern and preserving any contractor's stamp, adjacent to the site on Grand Avenue.

10. The subdivider shall submit a building pad certification signed by a Registered Civil Engineer or a Licensed Land Surveyor, certifying the pad elevation based on USGS datum is in accordance with the approved plans.
11. The subdivider shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street light(s), upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.
12. The subdivider shall ensure that all onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
13. Prior to the recordation of the final map, taxes must be paid on this property pursuant to Section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition.
14. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Vesting Tentative Map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

15. Prior to Parcel Map, the applicant shall conform to Municipal Code provisions for "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the City Engineer.
16. The requested undergrounding waiver of existing overhead facilities in the abutting public right-of-way, qualifies under the guidelines of Council Policy No. 600-25 Underground Conversion of Utility Lines at Developers Expense in that: the conversion involves a short span of overhead facility (less than 600 feet in length).

MAPPING

17. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the

California Coordinate System, Zone 6, North American Datum of 1983
[NAD 83].

18. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
19. Every Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.
 - b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid to ground distances shall be shown on the map.

WATER AND SEWER

20. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
21. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

INFORMATION:

- The approval of this Parcel Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining

thereto. Off site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- This development may be subject to payment of a park fee prior to the filing of the Parcel Map in accordance with San Diego Municipal Code.
- Subsequent applications related to this Parcel Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Parcel Map, may protest the imposition within ninety days of the approval of this Parcel Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.